

IN THE CLAIMS

Please cancel claims 1, 13, 14, 27-32, and 37-38 without prejudice.

Please amend claims 2-3, 6-12, 15, 16, 17, and 33-36 pursuant to 37 C.F.R. § 1.121 as follows. A marked up version of claims 2-12, 15, 16, 17, and 33-36 is enclosed.

2. (Twice Amended) The shoe of claim ~~3~~<sup>1</sup>, wherein the fabric material comprises a ground contacting surface and is free of contact with the first section.

3. (Amended) A shoe comprising:  
an upper;  
a lower attached to the upper; and  
an outsole attached to the lower, the outsole having a first section formed of a first material and including a ground contacting portion and a non-ground contacting portion and having a second section including an outer ground contacting layer formed of a fabric material, wherein the second section further includes a backing layer formed of a thermoplastic material, the fabric material of the outer ground contacting layer being connected to the backing layer to define an integral assembly and wherein the backing layer is bonded to a base section of the non-ground contacting portion of the first section by a fused bond at a boundary

zone between the backing layer and the base section such that the fabric material is a ground contacting surface.

8.5 (Amended) The shoe of claim 1, wherein there is a gap between the fabric and the first material.

8.6 (Amended) The shoe of claim 1, wherein the fabric material is a non-woven fabric material.

8.7 (Amended) The shoe of claim 1, wherein the first material is selected from the group consisting of rubber materials and plastic materials.

8.8 (Amended) The shoe of claim 1, wherein the first material is a shape-retaining moldable thermoplastic material.

9  
10? (Amended) The shoe of claim 1, wherein a bottommost section of the fabric material and a bottommost section of first section are planar with respect to one another.

10  
11. (Amended) The shoe of claim 1, wherein the fabric material bulges outwardly from surrounding portions of the first section of the

outsole so that the fabric material extends beyond a plane containing the ground contacting surface of said surrounding portions.

<sup>11</sup>  
12. (Amended) The shoe of claim <sup>1</sup>3, wherein the second section occupies a portion of the ground contacting surface which is greater than the first section.

<sup>16</sup>  
15. (Amended) A shoe outsole comprising:  
a first section including a ground contacting portion and a non-ground contacting portion; and  
a second section including an outer ground contacting layer formed of a fabric material, wherein the second section includes a backing layer formed of a thermoplastic material and being connected to the fabric material to define an integral insert, wherein the non-ground contacting portion of the first section includes at least one recessed section for receiving the insert, the backing layer being bonded to a base of the recessed section by a fused bond at a boundary zone between the backing layer and the base so that the fabric material is a ground contacting surface.

<sup>13</sup>  
16. (Amended) The outsole of claim <sup>12</sup>15, wherein the backing layer and the first section comprise a material selected from the group consisting of

rubber materials and plastic materials.

<sup>14</sup>  
17. (Amended) The outsole of claim <sup>12</sup>~~15~~, wherein the second section occupies a portion of the ground contact surface which is greater than the first section.

<sup>15</sup>  
33. (Amended) The shoe outsole of claim <sup>12</sup>~~15~~, wherein the non-ground contacting portion is moldably attached to the backing layer.

<sup>14</sup>  
34. (Amended) The shoe outsole of claim <sup>12</sup>~~15~~, wherein the non-ground contacting portion of the first section completely surrounds the fabric material.

<sup>17</sup>  
35. (Amended) The shoe outsole of claim <sup>12</sup>~~15~~, wherein there is a gap between a perimeter edge of the fabric material and the non-ground contacting portion of the first section.

<sup>14</sup>  
36. (Amended) The shoe outsole of claim <sup>12</sup>~~15~~, wherein the fabric material occupies more than 50% of a ground contacting surface of the outsole.

*Sub 18*

*39* 39. (Newly Added) A shoe comprising:

an upper;

a lower attached to the upper; and

an outsole formed of a first material and having a first face attached to the lower and a second face defining a ground contacting surface, the second face having at least one recessed section for receiving at least one insert, each insert being formed of a thermoplastic backing layer and an outer ground contacting layer that is formed of a fabric material which is integrally attached to the backing layer, wherein the backing layer and the first material are moldably attached in a softened state to form a unitary outsole construction with the fabric material defining a ground contacting surface.

*B 18*

*20*  
40.

(Newly Added)

*19*  
39,

The shoe of claim 39, wherein the first material comprises a thermoplastic material.

*21*  
41.

(Newly Added)

*19*  
39,

The shoe of claim 39, wherein the backing layer is attached to the first material along at least a base floor of the recessed section by a fused bond.

*22*  
42.

(Newly Added)

*19*  
39,

The shoe of claim 39, wherein the fabric material occupies more than 50% of the entire ground contacting surface of the

*B*